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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA, ) 3:16-CR-050-LRH-(WGC)  
9 Plaintiff, )  
10 v. ) Preliminary Order of Forfeiture  
11 JAMES BRIAN GARCIA, )  
12 Defendant. )

13 This Court finds that defendant JAMES BRIAN GARCIA pled guilty to Count One of a  
14 One-Count Indictment charging him with Felon in Possession of a Firearm in violation of Title  
15 18, United States Code, Section 922(g)(1). Indictment, ECF No. 1; Change of Plea, ECF No. 25;  
16 Plea Agreement, ECF No. 27.

17 This Court finds defendant JAMES BRIAN GARCIA agreed to the forfeiture of the  
18 property set forth in the Plea Agreement and the Forfeiture Allegation of the Indictment.  
19 Indictment, ECF No. 1; Change of Plea, ECF No. 25; Plea Agreement, ECF No. 27.

20 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of  
21 America has shown the requisite nexus between property set forth in the Plea Agreement and the  
22 Forfeiture Allegation of the Indictment and the offense to which defendant JAMES BRIAN  
23 GARCIA pled guilty.

24 The following property is subject to forfeiture pursuant to Title 18, United States Code,  
25 Section 924(d)(1) with Title 28, United States Code, Section 2461(c):

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- 1                   1. a Taurus, Model PT111, semi-automatic 9mm handgun bearing serial number
- 2                   TTG 45167; and
- 3                   2. any and all ammunition
- 4 (all of which constitutes property).

5           This Court finds the United States of America is now entitled to, and should, reduce the  
6           aforementioned property to the possession of the United States of America.

7           NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that  
8           the United States of America should seize the aforementioned property.

9           IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest  
10          of JAMES BRIAN GARCIA in the aforementioned property is forfeited and is vested in the  
11          United States of America and shall be safely held by the United States of America until further  
12          order of the Court.

13          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of  
14          America shall publish for at least thirty (30) consecutive days on the official internet government  
15          forfeiture website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall describe the forfeited  
16          property, state the time under the applicable statute when a petition contesting the forfeiture must  
17          be filed, and state the name and contact information for the government attorney to be served  
18          with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code,  
19          Section 853(n)(2).

20          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or  
21          entity who claims an interest in the aforementioned property must file a petition for a hearing to  
22          adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be  
23          signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code,  
24          Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature  
25          and extent of the petitioner's right, title, or interest in the forfeited property and any additional  
26          facts supporting the petitioner's petition and the relief sought.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be  
2 filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building,  
3 400 South Virginia Street, 3rd Floor, Reno, NV 89501, no later than thirty (30) days after the  
4 notice is sent or, if direct notice was not sent, no later than sixty (60) days after the first day of  
5 the publication on the official internet government forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov).

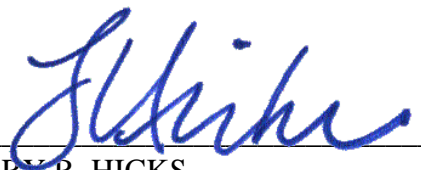
6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if  
7 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at  
8 the following address at the time of filing:

9 Greg Addington  
10 Assistant United States Attorney  
11 100 West Liberty Street, Suite 600  
12 Reno, NV 89501

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described  
13 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate  
14 agency following publication of notice of seizure and intent to administratively forfeit the above-  
15 described property.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies  
17 of this Order to all counsel of record.

18 DATED this 24th day of August, 2017.

19   
20 LARRY R. HICKS  
21 UNITED STATES DISTRICT JUDGE  
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